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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,798	05/24/2000	Dwight Allen Merriman	11032/5	4541

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EXAMINER

HARLE, JENNIFER I

ART UNIT PAPER NUMBER

3627

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

Paper 1

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 9-30-02 is considered non-compliant because it has failed requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000; Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEEDS TO SUBMIT THE ENTIRE AMENDMENT):

- ☐ 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(i).
- ☐ 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- ☒ 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- ☐ 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: _____

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USP <http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf>. A condensed version of a sample format is attached.

☐ **PRELIMINARY AMENDMENT:** Unless applicant supplies the omission or correction to the amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mailing of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be non-compliant, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, within which to supply the omission or correction noted above in order to avoid a FINAL ACTION. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

S. J. Lewis
Legal Instruments Examiner (LIE)